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BOSWELL, ET. AL.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JOSE FERNANDEZ, ET AL,
Plaintiffs,

v.

BANK OF AMERICA, N.A.; and
DOES 1 through 10, inclusive,
Defendant.

**JOINT NOTICE OF SETTLEMENT
AND REQUEST TO HOLD ALL
FURTHER PROCEEDINGS IN
ABEYANCE**

Case No. 2:17-cv-06104-MWF-JC

JOSHUA B. BOSWELL, ET. AL.,
Plaintiffs,

v.

BANK OF AMERICA
CORPORATION, ET. AL.;
Defendant.

Consolidated with Case No.: 2:17-cv-
06120-GW-RAO

(Assigned To Hon. Michael W. Fitzgerald)

1
2 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF**
3 **RECORD:**

4 Plaintiffs Jose Fernandez, Alex Yong and Joshua Boswell (“Plaintiffs”) and
5 Defendants Bank of America N.A. and Bank of America Corporation
6 (“Defendants”) (collectively “the Parties”), hereby notify the Court that the Parties
7 have entered into a tentative settlement that would resolve the above-captioned
8 consolidated *Boswell/Fernandez* matter in its entirety.

9 The Parties agreed to mediate the above-captioned consolidated action in light
10 of Defendants’ tentative collective and class settlement that was reached in the
11 *Flanagan* action currently pending in New York state court. (See ECF No. 64)
12 (referencing the *Flanagan* tentative settlement).¹ As this Court is aware, Defendants
13 had agreed to resolve similar claims as those alleged here in the *Flanagan* action on
14 December 21, 2018.

15 In an attempt to resolve the issues between the Parties, Plaintiffs and
16 Defendants engaged in a full day mediation before a third party neutral (David A.
17 Rotman), which resulted in a tentative settlement. Defendants have agreed to
18 contribute additional money to the *Flanagan* tentative collective and class settlement
19 in order to resolve all the claims brought in the *Flanagan* action and the above-
20 captioned consolidated *Boswell/Fernandez* action.

21 Based on the aforementioned, the Parties respectfully request that this Court
22 hold all further proceedings in abeyance pending approval of the Parties’ tentative
23 collective and class action settlement. There are no pending motions to be ruled on
24 by this Court and there are no deadlines associated with the above-captioned
25

26
27 ¹ The New York court preliminarily approved the *Flanagan* collective and class
28 settlement and denied Plaintiff Yong’s motion to intervene in the *Flanagan* action
on April 17, 2019.

1 consolidated *Boswell/Fernandez* action.
2

3 Respectfully Submitted,
4

5 DATED: April 22, 2019

THIERMAN BUCK LLP

By: /s/ Mark R. Thierman

Mark R. Thierman

Joshua D. Buck

Leah L. Jones

Attorneys for Plaintiff Joshua Boswell

9 DATED: April 22, 2019

HAFFNER LAW PC

By: /s/ Joshua H. Haffner

Joshua H. Haffner

Attorneys for Plaintiffs Jose
Fernandez and Alex Yong

13 DATED: April 22, 2019

STEVENS, L.C.

By: /s/ Paul D. Stevens

Paul D. Stevens

Attorneys for Plaintiffs Jose Fernandez
and Alex Yong